

2. The land is within the boundaries of the Tule Lake National Wildlife Refuge established by PLO No. 4791 dated April 2, 1970, and shall continue to be segregated from disposition under the public land laws, including the mining laws.

GUY R. MARTIN,
Assistant Secretary of the Interior.

OCTOBER 12, 1978.

1FR Doc. 78-29460 Filed 10-18-78; 8:45 am]

[4910-60-M]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-56; Amdt. Nos. 106-2, 107-5, 171-42, 172-46, 173-121, 174-32, 175-6, 177-43, 178-51]

HAZARDOUS MATERIALS REGULATIONS

Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which will not impose any restrictions on persons affected by these regulations.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Since the consolidation of the Hazardous Materials Regulations into title 49 of the Code of Federal Regulations (CFR) which was accomplished under three separate publications of docket HM-103/112 (41 FR 15972, April 15, 1976; 41 FR 40614, September 20, 1976; 41 FR 57018, December 30, 1976), numerous discrepancies have surfaced that continue to appear in the printing of title 49. These discrepancies include misspelled words, incorrect references, inadvertent omissions of

phrases and paragraphs within sections, and general punctuation errors. This amendment will reflect the appropriate changes, provide clarification to certain misinterpreted portions of the regulations, and incorporate insignificant regulatory revisions which will not impose any undue burdens upon any person. In addition, important corrections have been incorporated in parts 106 and 107 regarding the recent rulemaking published under docket HM-165 (43 FR 43305, September 25, 1978) relating to the recent reorganization within the Department of Transportation which created the Research and Special Programs Administration.

Except as noted and explained, these amendments do not impose additional requirements. Public notice has not been provided and this amendment is effective without delay. The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are A. Louise Mills, Dockets Section, Office of Program Support and Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation.

The following is a brief commentary on the changes for each part in this document.

PART 106

Changes show the correct titles for the Associate Directors of the identified offices in § 106.3 and in Appendix A to this part.

PART 107

Incorporation of an acronym for the various offices in § 107.3 for ease of identification.

Changes show the correct references to the appropriate offices and official titles in numerous sections in this part under items 4, 5, 6, 7, 8, and 9.

Editorial corrections made in § 107.373.

PART 171

Changes in this part include corrections to an improper office reference, a misspelled word, an improper title of an official, and an improper reference to a segment of the regulations.

PART 172

Change made to show the correct office reference in certain sections in this part.

PART 173

Changes correct the references to the appropriate offices and official titles in various sections in this part under items 16, 17, and 17a.

In § 173.32 incorrect section references have been deleted.

In § 173.33 paragraph (d)(5) has been deleted since it is no longer applicable and section references have been corrected.

In § 173.53 a section reference and the Bureau of Explosives address have been corrected.

In § 173.69 section references have been corrected.

In § 173.93 appropriate section references have been added.

In § 173.119 an unnecessary phrase has been deleted, a correction to a placarding reference has been made, and the clarification and correction of a section on viscous flammable liquids has been completed.

In § 173.122 an obsolete reference to rail express has been deleted and an authorization for air transportation has been made.

In § 173.123 appropriate section references have been added.

In § 173.124 an appropriate section reference has been added and clarification of a filing requirement has been made.

In § 173.134 paragraph (b) has been deleted since rail express service is no longer in existence.

In § 173.153 provisions have been incorporated to accommodate the packaging of liquid oxidizers. These provisions have not been published in a notice of proposed rulemaking but are necessary to provide a liquid measurement for liquid oxidizers in limited quantities.

In § 173.168 a paragraph reference has been deleted since it is not applicable.

In § 173.192 the term "picrate of ammonium" has been deleted since it is not referenced in § 172.101 as a proper shipping name.

In § 173.206 paragraph (d)(1) has been reinserted since it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.214 specific part and section references have been corrected.

In § 173.220 the phrase "to Subpart F of Part 172 of this subchapter" has been inserted because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.232 the word "pounds" has been inserted in certain paragraphs because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.245 reference to a specification packaging has been corrected.

In § 173.249 a section reference has been corrected.

In § 173.249a a section reference has been corrected.

In § 173.257 a section reference has been corrected.

In § 173.268 a paragraph has been deleted for clarification purposes. This provision has not been published in a notice of proposed rulemaking since it

is not considered restrictive. The provision is a redundant authorization for the use of packagings, based on nitric acid concentration levels, already prescribed in other paragraphs of this section.

In § 173.286 a section reference has been corrected.

In § 173.304 the service pressure reference has been deleted to permit the use of a 4BW cylinder with a lower marked service pressure consistent with the regulations for the hazardous material involved.

In § 173.314, a section reference in paragraph (c), Note 7 has been corrected.

In § 173.315 a section reference has been corrected.

In § 173.333 the phrase "must be equipped with gas-tight valve protection caps which" has been inserted because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.364 a paragraph reference has been clarified.

In § 173.386 specific references to various CFR's related to biological products have been corrected.

In §§ 173.393a and 173.393b section references have been corrected.

PART 174

In § 174.104 the inappropriate word "foreign" has been replaced by "freight".

In §§ 174.201, 174.204, and 174.304 improper reference to a segment of the regulations has been corrected.

In § 174.700 the restriction to flat car use has been eliminated since it was not originally intended to restrict use to a certain type of rail car. Paragraphs (e) (1) and (2) have been corrected from the printing of Title 49, revised as of December 31, 1976. This provision has not been published in a notice of proposed rulemaking since it is not considered a restriction.

PART 175

In §§ 175.45, 175.700 and 175.710 changes show the correct office reference. Also, in § 175.710 section references to the radioactive labels have been corrected.

PART 177

In § 177.821 and § 177.822 a section reference has been corrected.

In § 177.824 the term "special permit" has been corrected to "exemption."

In § 177.834 section references have been corrected.

In § 177.835 reference to a particular segment of the regulations has been added.

In § 177.838 incorrect section references have been deleted.

In § 177.870 section references have been corrected.

PART 178

Changes correct the references to the appropriate offices and official titles in various sections in this part in items 58, 59, and 61.

The obsolete ASTM standard has been replaced by the current standard in various sections in this part in item 60. This provision has not been published in a notice of proposed rulemaking since it is not restrictive.

In § 178.68-12 a section reference has been clarified.

In § 178.196-7 the word "wide" has been inserted following the symbol designation for inches for clarification purposes.

In § 178.205-7 paragraph (b)(1) the letter "F." has been added following the numerical temperatures to indicate a fahrenheit degree measurement. Also, in § 178.205-19 paragraph (a) the obsolete reference to "ICC" has been corrected.

In § 178.209-16 paragraph (a)(2) has been corrected to refer to "end to end" pressure since it was inadvertently changed in the printing of Title 49, revised as of December 31, 1976.

In § 178.224-2 paragraph (d) has been reinserted, minus a reference to the Bureau of Explosives, since it formerly was paragraph (e) under this section and was inadvertently omitted in the printing of Title 49, revised as of January 1, 1967.

In § 178.245-7 paragraph (a) has been amended to reflect identification of the manufacturer.

In § 178.337 section references involving § 173.33 have been corrected to show the applicable paragraphs. Also, in § 178.337-17 a section reference has been corrected.

In § 178.340-8 a section reference has been corrected.

In consideration of the foregoing, Parts 106, 107, 171, 172, 173, 174, 175, 177, and 178 of Title 49 Code of Federal Regulations are amended as follows:

PART 106—RULEMAKING PROCEDURES

1. In § 106.3 paragraphs (a) and (b) are revised; paragraph (c) is deleted as follows:

§ 106.3 Delegations.

(a) Associate Director for Hazardous Materials Regulation.

(b) Associate Director for Pipeline safety Regulation.

(c) [Deleted]

(2) In Appendix A to Part 106 the introductory texts of paragraphs (a) and (b) are revised, and paragraph (c) is entirely deleted, to read as follows:

APPENDIX A

(a) The Associate Director for Hazardous Materials Regulation is authorized to conduct all rulemaking proceedings, other than those concerning compliance, enforcement, and preemption matters, except the issuance of final rules and the grant or denial of petitions for reconsideration, under:

(b) The Associate Director for Pipeline Safety Regulation is authorized to conduct all rulemaking proceedings, other than those concerning compliance and enforcement matters, except the issuance of final rules and the grant or denial of petitions for reconsideration, under:

(c) [Deleted]

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

3. Section 107.3 is amended by changing the following two definitions to read as follows:

§ 107.3 Definitions.

"OHMR (HMR)" means the Office of Hazardous Materials Regulation.

"OOE (OE)" means the Office of Operations and Enforcement.

4. The words "Associate Director, OHMR" are changed to read "Associate Director for HMR" each time they appear in the following sections:

107.103 (a) and (c), 107.107, 107.109 (a), (b), (c), (d), and (e), 107.111 (a), (c), and (d), 107.113(c), 107.115 (a), (b), and (c), 107.117(a), and 107.123(b).

5. The words "Associate Director of OHMR or OOE" or "Associate Director, OHMR" are changed to read "Associate Director for HMR of OE" each time they appear in the following sections:

107.119 (b), (c), and (d), and 107.121.

6. The words "Associate Director of OOE" are changed to read "Associate Director for OE" each time they appear in the following sections:

107.201(d), 107.207 (a) and (b), 107.209 (a), (b), and (c), 107.219 (a), (b), and (c), 107.311 (e) and (f), 107.313 (a) and (b), 107.315(a), 107.347(c), 107.351(d), 107.353 (a), (b), and (c), and 107.355(a).

§§ 107.221 and 107.319 [Amended]

7. The words "Associate Director of OHMO" are changed to read "Associate Director for OE" each time they appear in §§ 107.221 (a), (b), and (c) and 107.319 (a), (c) and (d).

§ 107.221 [Amended]

8. In § 107.221 paragraph (d) the letters "OHMO" are changed to read "OOE" each time they appear in the paragraph.

§ 107.313 [Amended]

9. In § 107.313 paragraph (b)(1) is amended by changing the words "Associate Director of" to read "Associate Director's".

10. § 107.373 is revised to read as follows:

§ 107.373 Referral for prosecution.

If an inspector or an employee of the OHMR or the OOE becomes aware of a possible willful violation of the act, this chapter or subchapter C of this chapter for which the OOE exercises enforcement responsibility, he shall report it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. If appropriate, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§§ 171.4, 171.5, 171.7, 171.10, 171.14 [Amended]

11. In paragraph (a) of §§ 171.4, 171.5, 171.7, 171.10 and 171.14 the word "chapter" is changed to read "subchapter."

12. In § 171.7 paragraph (b) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(b) All incorporated matter is available for inspection in the Dockets Branch, Room 6500 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

§ 171.8 [Amended]

13. In § 171.8 in the definition of "Viscous liquid," the last word "Corp." is changed to read "Cup."

14. In § 171.16 paragraph (b) is revised to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

(b) Each carrier making a report under this section shall send that report to the Associate Director for Hazardous Materials Regulation, De-

partment of Transportation, Washington, D.C. 20590.

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

15. The words "Office of Hazardous Materials Operations" are changed to read "Office of Hazardous Materials Regulation" in § 172.100 (c) (the introductory text) and (d). The same change is made in § 172.407 (d)(1) and (d)(3).

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

16. The words "Director, OHMO" are changed to read "Associate Director for OE" each time they appear in the following sections:

173.300a (c), (d), (e), (g), (h), (i), 173.300b (c), (d), (e), (f), (g), 173.300c Introductory text of (a) and (b).

17. The words "Office of Hazardous Materials Operations" or "Office of Hazardous Materials" are changed to read "Office of Hazardous Materials Regulation" each time they appear in the following sections:

173.22a(b), 173.86(a)(2), 173.393b(a)(1).

17a. The words "Office of Hazardous Materials Operations" are changed to read "Office of Operations and Enforcement" each time they appear in the following sections:

173.300a(b)(1) and (e), 173.300b(b)(1).

§ 173.32 [Amended]

18. In § 173.32 paragraph (e)(1)(ii), reference to "178.246, 178.247" is deleted from within the parenthesis.

§ 173.33 [Amended]

19. In § 173.33 paragraph (d)(5) is deleted, and "(e)" is replaced by "(d)" wherever it appears in paragraphs "(d)(1), (12), (15), (15) (i) and (k).

§ 173.53 [Amended]

20. In § 173.53 paragraph (f) the reference "§ 173.51(d)" is changed to read "§ 173.51(a)(3)"; in paragraph (h)(1) Note 4, the address of the Bureau of Explosives is changed to read "1920 L Street, N.W., Washington, D.C. 20036."

§ 173.69 [Amended]

21. In § 173.69 paragraph (a) Note 1, the section reference is changed to read "§§ 173.389 through 173.398."

§ 173.93 [Amended]

22. In § 173.93 paragraph (d)(4) the section reference within the parenthesis is changed to read "(§§ 179.200, 179.201 of this subchapter)."

23. In § 173.119 paragraph (b)(1) is amended by deleting "and also the following." and adding a period following the word "specification." Paragraph (h) is amended by changing the word "Dangerous" to read "Flammable." Paragraph (j) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(j) *Viscous flammable liquids.* Flammable liquids which are viscous as defined in § 171.8 of this subchapter must be shipped in specification packagings as prescribed in paragraph (k) or (l) of this section.

§ 173.122 [Amended]

24. In § 173.122 the introductory text of paragraph (b) is amended by changing "rail express" to read "cargo-only aircraft" in the third line.

§ 173.123 [Amended]

25. In § 173.123 paragraph (a)(5) is amended by adding "179.200, 179.201" following "179.101" within the parenthesis.

§ 173.24 [Amended]

26. In § 173.124 paragraph (a)(4) is amended by adding "(§ 178.92 of this subchapter)" following "Spec. 5P," paragraph (a)(5) is amended by changing the third sentence to read, "Outage of each tank must be sufficient to prevent the tank from becoming liquid full at 105° F."

§ 173.134 [Amended]

27. In § 173.134 paragraph (b) is deleted.

28. In § 173.153 paragraph (b)(1) is revised to read as follows:

§ 173.153 Limited quantities of flammable solids, oxidizers and organic peroxides.

(1) Oxidizers in inside containers having a rated capacity of not over one pint for liquids or a net weight of not over one pound for solids, in strong outside packagings not exceeding 25 pounds net weight each.

RULES AND REGULATIONS

§ 173.168 [Amended]

29. In § 173.168 paragraph (a)(1) is amended by deleting "(5)" in the second line.

30. § 173.192 is revised to read as follows:

§ 173.192 Ammonium picrate, picric acid, trinitrobenzoic acid, and urea nitrate, wet.

Ammonium picrate, picric acid, trinitrobenzoic acid, and urea nitrate, wet with not less than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case. No restrictions other than packing prescribed by this section are required when these materials are offered for transportation.

31. In § 173.206 paragraph (d)(1) is added to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

(d) * * *

(1) In inside hermetically sealed metal cartridges not exceeding 18 grams net weight each, packed in strong outside packagings with net weight of lithium or rubidium metal not exceeding one pound; which outside packaging may be further overpacked in strong wooden boxes or fiber drums provided total net weight of lithium or rubidium metal in one outside box or drum does not exceed one pound.

§ 173.214 [Amended]

32. In § 173.214 paragraph (e) is amended by changing the reference in the last sentence to read "Parts 100-189 of this subchapter and Part 397 of this Title."

33. In § 173.220 the last sentence of paragraph (a)(2) is revised to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalplings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(a) * * *

(2) * * * In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

§ 173.232 [Amended]

34. In § 173.232 paragraphs (c)(1), (c)(3), (c)(4), and (c)(5) are amended by adding the word "pounds" after the numerical figure.

§ 173.245 [Amended]

35. In § 173.245 paragraph (a)(22) is amended by changing "specification 22" in the fourth line to read "specification 2U."

§ 173.249a [Amended]

36. In § 173.249 paragraph (a)(10) reference "173.401(c)" is changed to read "172.312 of this subchapter."

§ 173.249 [Amended]

37. In § 173.249a paragraphs (a) and (b) are amended by changing the section reference "§ 172.5" to read "§ 172.101 of this subchapter."

§ 173.257 [Amended]

38. In § 173.257 paragraph (a)(14) is amended by changing the section reference "§ 173.401(c)" to "§ 172.312 of this subchapter."

§ 173.268 [Amended]

39. In § 173.268 paragraph (b)(5) is deleted.

40. In § 173.286 paragraph (b)(1) is amended by changing the section reference "§ 172.5(a)" to read "§ 172.101 of this subchapter."

§ 173.304 [Amended]

41. In § 173.304 paragraph (d)(3)(i) is amended by changing "4BW240" in the second line to read "4BW."

§ 173.314 [Amended]

42. In § 173.314 paragraph (c) Note 7 following the table is amended by changing the reference "§ 174.560" to read "§ 174.204."

43. In § 173.315 paragraph (1)(7)(i) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(1) * * *

(7) * * *

(i) The ammonia received was certified as containing 0.2 percent water as prescribed in §§ 172.203(h)(1)(i) and 177.817(a) of this subchapter; and

44. In § 173.333 paragraph (a)(2) is revised to read as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Authorized only for phosgene. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F (55° C). (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)

§ 173.364 [Amended]

45. In § 173.364 the introductory text paragraph (a) is amended by changing "paragraph (3)" in the second line to read "paragraph (a)(3)."

46. In § 173.386 paragraph (a)(3) is revised to read as follows:

§ 173.386 Etiologic agents; definition and scope.

(a) * * *

(3) A "biological product" means a material prepared and manufactured in accordance with the provision of 9 CFR Part 102 (licensed veterinary biological products), 21 CFR Part 601 (Licensing), 21 CFR § 312.1 (Conditions for exemption of new drugs for investigational use), 9 CFR Part 103 (Biological products for experimental treatment of animals), or 21 CFR § 312.9 (New drugs for investigational use in laboratory research animals or in vitro tests), and which in accordance with these provisions, may be shipped in interstate commerce.

§§ 173.393a, 173.393b [Amended]

46. In §§ 173.393a and 173.393b paragraph (a)(6) is amended by changing the reference "§ 173.427(a)(5)(v)" to read "§ 172.203(d)(1)(vi) of this subchapter" in each section.

PART 174—CARRIAGE BY RAIL

§ 174.104 [Amended]

47. In § 174.104 paragraph (f), the sixth line of the Car Certificate is amended by changing the word "foreign" to read "freight."

§§ 174.201, 174.204 [Amended]

48. In §§ 174.201(b), 174.204(a), and (a)(2), and § 174.304 the words "of this subchapter" are added following the section reference(s) within the parenthesis in each section.

50. In § 174.700 the introductory text of paragraph (e) is amended by deleting the word "Only" at the beginning of the paragraph and capitalizing "A"; paragraphs (e)(1) and (e)(2) are revised to read as follows:

§ 174.700 Special handling requirements for radioactive materials.

(e) ***

(1) Radioactive materials in containers weighing 5,000 pounds or more;

(2) Strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned; or

PART 175—CARRIAGE BY AIRCRAFT

§§ 175.45, 175.700, 175.710 [Amended]

50. In §§ 175.45(c), 175.700(c) and 175.710(a)(3), the words "Office of Hazardous Materials Operations" are changed to read "Office of Hazardous Materials Regulation."

51. In § 175.710 paragraph (a)(2) the section references "§§ 172.437, 172.438, and 172.439" are changed to read "§§ 172.436, 172.438, and 172.440."

PART 177—CARRIAGE BY PUBLIC HIGHWAY

§§ 177.821, 177.822 [Amended]

52. In §§ 177.821(c) and 177.822(a) reference "§ 172.5" is changed to read "§ 172.101."

§ 177.824 [Amended]

53. In § 177.824 paragraphs (a)(2) and (c)(4) the words "special permit" are changed to read "exemption" each time they appear.

54. In § 177.834 paragraph (m)(4) is revised to read as follows:

§ 177.834 General requirements.

(m) ***

(4) Compliance with §§ 174.200 and 174.204 of this subchapter for combination rail freight, highway shipments and for trailer-on-flat-car service is required.

§ 177.835 [Amended]

55. In § 177.835 paragraph (m) the words "of this subchapter" are added following the section references within the parenthesis.

§ 177.838 [Amended]

56. In § 177.838 paragraph (f), the last sentence which is within the parenthesis is deleted.

§ 177.870 [Amended]

57. In § 177.870 paragraph (d) is amended by changing the reference "§ 172.5" to read "§ 172.101"; in paragraph (g) the reference "§ 173.416" is changed to read "§§ 172.436, 172.438, and 172.440."

PART 178—SHIPPING CONTAINER SPECIFICATIONS

58. The words "Director, OHMO" are changed to read "Associate Director for OE" each time they appear in the following sections:

178.36-3	178.51-3
178.37-3	178.52-3
178.38-3	178.54-3
178.39-3	178.55-3
178.40-3	178.56-3
178.42-3	178.57-3
178.43-3	178.58-3
178.44-3	178.59-3
178.45-3	178.60-3
178.47-3	178.61-3
178.48-3	178.63-3(a), (b), (c)
178.49-3	178.68-3
178.50-3	

§ 178.53-3 [Amended]

59. In § 178.53-3 the words "Director, Office of Hazardous Materials Operations (OHMO)" and "Director, OHMO" are changed to read "Associate Director for OE."

60. In the following sections, the Standard "E8-57T" is changed to read "E8-78" each time it appears in the following sections:

178.36-16	178.51-15
178.37-16	178.52-16
178.38-16	178.53-15
178.39-16	178.54-15
178.40-16	178.55-16
178.41-16	178.56-15
178.43-16	178.57-15
178.44-16	178.58-16
178.45-14	178.59-14
178.48-16	178.60-16
178.49-16	178.61-15
178.50-16	178.68-15

§ 178.65-14 [Amended]

61. In § 178.65-14 paragraph (d) the words "Office of Hazardous Materials" is changed to read "Office of Operations and Enforcement, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590."

§ 178.68-12 [Amended]

62. In § 178.68-12 paragraph (a) the reference "173.124(a)" is changed to read "173.124(a)(2)."

§ 178.196-7 [Amended]

63. In § 178.196-7 paragraph (a) Note 1, the word "wide" is added following the number and symbol "2½".

§ 178.205-7 [Amended]

64. In § 178.205-7 paragraph (b)(1) the letter "F." is added following both 180" and 200"; in § 178.205-19 paragraph (a) is amended by changing "ICC" to read "DOT."

65. In § 178.209-16 paragraph (a)(2) is revised to read as follows:

§ 178.209 Specification 12H; fiberboard boxes.

§ 178.209-16 Completed container.

(a) ***

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½ inches.

66. In § 178.224-2 paragraph (d) is added to read as follows:

§ 178.224 Specification 21C; fiber drum.

§ 178.224-2 Type tests.

(d) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken as random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants.

§ 178.245-7 [Amended]

67. In § 178.245-7 paragraph (a) is amended by changing the words "manufactured for" to read "manufactured by" each time they appear in the form.

§ 178.337 [Amended]

68. In § 178.337 references to § 173.33 are amended to read as follows:

	Now reads	Change to
178.337-1(e)	173.33(j)	173.33(j).
178.337-2(c)	173.33(h)(1)	173.33(g)(1).
178.337-8(b)	173.33(g)(9)	173.33(f)(9).
	173.33(i) (4) and (5)	173.33(h) (4) and (5).
178.337-9(b)(1)	173.33(g) (1) and (3)	173.33(f) (1) and (3).
178.337-9(b)(2)	173.33(g)	173.33(f).
178.337-11(a)(2)	173.33(j)	173.33(h).
178.337-11(a)(3)	173.33(i)(4)	173.33(h)(4).

	Now reads	Change to
178.337-11(b).....	173.33(d)(3).....	173.33(h)(3).
178.337-14(b).....	173.33(g)(7).....	173.33(f)(7).
178.337-15.....	173.33(g) (6) and (10).....	173.33(f) (6) and (10).

§ 178.337-17 [Amended]

69. In § 178.337-17 paragraph (b) is amended by changing the reference "§ 177.823" to read "§ 172.328 of this subchapter."

§ 178.340-8 [Amended]

70. In § 178.340-8 paragraph (b) the reference "§ 293.86" is changed to read "§ 393.86."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that these amendments will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582).

Issued in Washington, D.C., on October 12, 1978.

L. D. SANTMAN,
Acting Director, Materials
Transportation Bureau.

[FR Doc. 78-29330 Filed 10-18-78; 8:45 am]

[4910-14-M]

SUBTITLE A—OFFICE OF THE SECRETARY

[CGD 78-024A]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Administrative Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the listing of locations of Coast Guard document inspection facilities where records are available to reflect the designation of "administrative law judges" rather than "hearing examiners." This designation has recently been changed, and this amendment brings the listing up-to-date.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION
CONTACT:

Comdr. Charles H. King, Jr., Office of Merchant Marine Safety (G-MMI-2/82), Room 8205, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2215.

SUPPLEMENTARY INFORMATION:

Since this is a matter relating to agency management, under 5 U.S.C. 553(a)(2) notice and public procedure are unnecessary. Under 5 U.S.C. 553(d)(3), this amendment may be made effective in less than 30 days after publication in the *FEDERAL REGISTER* since it is an administrative correction. This rule has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A final evaluation has been prepared, and has been included in the public docket.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Comdr. Charles H. King, Jr., Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, appendix B of part 7 of title 49 of the Code of Federal Regulations is amended as follows:

- By revising paragraph 3(b) to read as follows:

APPENDIX B—U.S. COAST GUARD

3.

(b) Opinions and orders of administrative law judges are available at the document inspection facility of the Office of the Commandant and the district in which the administrative law judge is located.

(5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1565; 49 CFR 7.1(d).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: October 10, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-29532 Filed 10-18-78; 8:45 am]

[4910-59-M]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-16; Notice 24]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule and interpretation of court decision.

SUMMARY: The U.S. Court of Appeals decision in *PACCAR v. National Highway Traffic Safety Administration and Department of Transportation* invalidated aspects of Standard No. 121, *Air Brake Systems*. This notice advises interested persons of the agency's interpretation of the *PACCAR* holdings, to guide continuing compliance with the standard. This notice also amends the standard as specified by the court to provide for "due care" certification.

EFFECTIVE DATE: October 13, 1978.

FOR FURTHER INFORMATION
CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Requirements are established for the service, emergency, and parking brake systems of these vehicles. Truck braking systems are a particularly critical safety system, due to large variations between the unloaded and loaded weight conditions and the generally higher weight of trucks compared to other vehicles on the highway. Major requirements of the standard are that vehicles stop in specified distances and that the wheels not lock uncontrollably during these stops. The "no lockup" requirement insures that skidding due to wheel lockup and loss of lateral stability is minimized.

In January 1975 a truck manufacturer petitioned for judicial review of the standard's promulgation in accordance with § 105 of the National Traffic and Motor Vehicle Safety Act (the Vehicle Safety Act) (15 U.S.C. 1394) under which the standard was issued. Peti-